

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

James D. Wood)
and Chasity M. Wood)
Debtors)
)

CASE NO. 17-80066-JJG-7A

AMENDED MOTION TO AVOID JUDICIAL LIEN

The Debtors hereby move the Court pursuant to 11 U.S.C. §522(f) to avoid the judgment lien of Twin C Inc., d/b/a Dave's Heating & Cooling on the following described property:

Physical Address: 48 Briarwood Court, Greencastle, IN 46135

Legal description: Lot Number 48 Replat of Lots Numbered 46, 47, 48 in Woods Edge, Phase One, an Addition to the City of Greencastle, as per plat thereof recorded in Plat Book 13, pages 135-137; Also recorded January 23, 2002 as Instrument No. 2002003646, in the office of the Recorder of Putnam County, Indiana.

Subject to all rights-of-way, easements and restrictions.

Subject to all taxes now a lien and to become a lien thereon.

In support of said Motion, the Debtors submit the following information:

1. The Debtors filed their Chapter 7 bankruptcy on or about February 15th, 2017.
2. The real estate is held by the Debtors, James and Chasity Wood as tenants by the entireties, but they have joint debt, thus the exemption of \$19,300 was taken by each Debtor.
3. The judgment which is the subject of this Motion is held by Twin C Inc. d/b/a Dave's Heating & Cooling. The amount of the judgment is \$15,968.07 as of October 14th, 2015, plus any other costs/interest, if ordered.
4. The creditor, Twin C Inc. d/b/a Dave's Heating & Cooling, obtained a judgment (1st priority after the 1st and 2nd mortgages) which is a lien on the real property described above. That judgment was obtained pre-petition under cause# 67C01-1508-PL-000235. The default judgment was granted on or about October 14, 2015 in the Putnam County Circuit Court, see the attached Exhibit "A".

5. The amount of debt owed as of the date of filing on the real property located at 48 Briarwood Court, Greencastle, IN was \$86,766.00 by way of a 1st mortgage through Chase Mortgage and a 2nd mortgage through North Salem State Bank in the sum of \$24,461.00. The total debt associated with the 1st mortgage and the 2nd mortgage is \$111,227.00 as of the date of filing.
6. That the value of the subject collateral is: \$150,000.00 (per the Petition).
7. That the value of the real property is \$150,000 - the total mortgages \$111,227.00 = \$38,773.00 total equity in the real property.
8. The amount of exemption on the real estate to which the Debtors are entitled is \$38,600.
9. That \$38,773.00 equity – the Debtor's exemption \$38,600 = \$173.00 unexempted equity of the home. The judgment of record impairs the Debtor's exemption for which the Debtors request this court to avoid.
10. This real estate is subject to other and subsequently filed judgment liens under causes listed on the attached Exhibit "B" for which the Debtors are filing Motions for Relief contemporaneously with this Motion.
11. The Property has equity which been claimed as exempt in the amount of \$38,600. The lien impairs an exemption of the Debtors and is subject to avoidance under 11 U.S.C. § 522(f) with \$173 non-exempt.

NOTICE: Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to enter an order avoiding the (judicial) lien, or if you want the court to consider your views on this Motion, then you or your attorney must file with the court a written objection explaining your position no later than 21 days from the date of service of this document.

Those not permitted to file electronically must deliver any objection by the U.S. mail, courier, overnight/express mail, or in person at:

Evansville and Terre Haute
352 Federal Bldg.
101 NW M.L. King Jr. Blvd.
Evansville, IN 47708

If you mail your objection to the court, you must mail it early enough so the court will receive it on or before the 21-day deadline (21 days from the date of service of this Motion).

You must also send a copy of your objection to:

James H. Holder, Jr.
Attorney at Law
111 West Walnut Street
Greencastle, IN 46135

Lou Ann Marocco
Bankruptcy Trustee
PO Box 1206
Greenwood, IN 46142

Matthew Thomas Barr
Rubin & Levin, PC
135 N. Pennsylvania Street, Suite 1400
Indianapolis, IN 46204

James T. Young
Rubin & Levin, PC
135 N. Pennsylvania Street, Suite 1400
Indianapolis, IN 46204

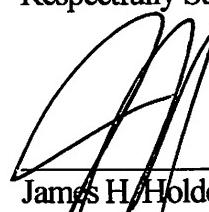
Robert C. Perry
Robert C. Perry, Attorney at Law
205 W. Main Street
Plainfield, IN 46168

US Trustee
Office of US Trustee
101 W. Ohio Street, Suite 1000
Indianapolis, IN 46204

If you or your attorney do not take these steps, the court may decide that you do not oppose an order avoiding the judicial lien, and may enter an order granting that relief.

WHEREFORE, the Debtors move the Court to enter an order avoiding creditor's judicial lien and granting such other relief as appropriate.

Respectfully Submitted,

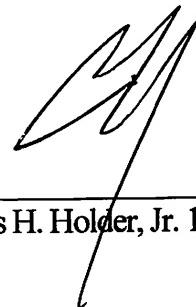


James H. Holder, Jr. 17053-67
111 West Walnut Street
Greencastle, IN 46135
765-653-0500
765-301-9319 fax
law@jamesholderlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on May 6th, 2019 the foregoing document was mailed via certified mail and e-served to the following:

Twin C Inc.
d/b/a Dave's Heating & Cooling
ATTN: An Officer
124 N. Jackson Street
Greencastle, IN 46135



James H. Holder, Jr. 17053-67

U.S. Trustee
ustpregion10.in.ecf@usdoj.gov

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